

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION
NO. 04-11924-RGS

IAN J. BROWN, JAMES BROWN and)
BARBARA BROWN)
Plaintiffs,)
)
v.)
)
UNITED STATES OF AMERICA,)
VERIZON NEW ENGLAND, INC. and)
BOSTON EDISON COMPANY d/b/a)
NSTAR ELECTRIC)
Defendants.)
)

ANSWER OF DEFENDANT VERIZON NEW ENGLAND, INC.
TO CO-DEFENDANT BOSTON EDISON COMPANY'S CROSS-CLAIM

Now comes the defendant, Verizon New England, Inc. ("Verizon") and responds to the cross-claim against Verizon by Boston Edison Company ("NStar") in corresponding paragraph numbers as follows:

1. Admitted.

2. Admitted.

3. Verizon is currently without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 3 of Boston Edison Company's Cross-Claims Against Verizon New England, Inc. and The United States of America.

4. Admitted.

5. Admitted.

Count I
(Contribution Against Verizon)

6. In response to paragraph 6 of Boston Edison Company's Cross-Claims Against Verizon New England, Inc. and The United States of America, Verizon repeats its responses to paragraphs 1 through 5 of same and incorporates them by reference as if fully set forth herein.

7. The statement of jurisdiction is a conclusion of law to which no response is required.

8. Denied.

Count II
(Contribution Against The United States of America)

The allegations contained in paragraphs 9-11 of Boston Edison Company's Cross-Claims Against Verizon New England, Inc. and The United States of America, are directed at another defendant, and no response by Verizon is required.

FIRST AFFIRMATIVE DEFENSE

Count I of Boston Edison Company's Cross-Claims Against Verizon New England, Inc. and The United States of America fails to state a claim against Verizon upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

If the plaintiff, Ian Brown, was damaged as alleged, then he cannot recover from Verizon or NStar because his negligence exceeds the negligence of the defendants.

THIRD AFFIRMATIVE DEFENSE

If the plaintiff were damaged, then such damage was caused in whole or in part by a person or persons for whose conduct Verizon is not legally responsible.

FOURTH AFFIRMATIVE DEFENSE

NStar's cross-claim is barred by the applicable statute of limitations and/or repose.

WHEREFORE, Verizon prays that NStar's claims against it be dismissed, and that it be awarded costs and reasonable attorneys' fees.

Respectfully submitted,

VERIZON NEW ENGLAND, INC.

By its attorneys,

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